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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,379	04/09/2004	Fred Alan Bishop	37355-239	1600
7590 01/04/2006				
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			EXAMINER	
			BAYAT, BRADLEY B	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/821,379	BISHOP ET AL.	
	Examiner	Art Unit	
	Bradley B. Bayat	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-12 and 43-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-12 and 43-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

This communication is in response to applicant's arguments filed on October 11, 2005.

Claims 5-12 and 43-50 remain pending.

Response to Arguments

Applicant's arguments filed on October 11, 2005 have been fully considered but they are not persuasive.

In the response filed, applicant repeatedly refers to an element in independent claim 1 to distinguish over the prior art (response pp. 2-4). Since independent claim 1 not pending, the examiner presumes that applicant is referring to independent claim 5 and has mistakenly denoted a previously canceled claim.

As per independent claims 5 and 43, applicant contends that the cited reference fails to teach the element of "restricting access to said network server to a portion of said network server for at least a selected protocol." Id. at 2. Applicant's disclosure states that a security engine and authorization server may be separated by a firewall (such as a router access control) capable of restricting data flow between an internal and an external network (§51; emphasis added)." The security engine resides outside the firewall to administer data transfers between the security server and the customer or wallet server. Id. The cited reference anticipates various forms of attack on a network client and addresses various security features including packet level filtering at various points on the network. As taught by Guheen, one such security feature is a firewall and security software that protects data and network from unauthorized access that offers packet-

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level filtering and scanning that verifies and filters intruders (see Guheen disclosure under 1.1 Business1; column 257 integrated firewall/authentication).

Furthermore, applicant discloses:

[0100] With regard to step 1302, a Web site typically includes various pages, each page having a unique URL. Users of the site may place elevated trust in certain servers (such as those corresponding to financial institutions or merchants who are reputable). By restricting the elevated trust to only a portion of the Web site (e.g., a limited subsef [sic] URLs corresponding to the trusts Web site), the level of trust afforded to the rest of the site is suitably reduced and security is enhanced. Trust may be restricted to a limited portion of the site by configuring the user's Web browser to trust only a portion of the site, for example. The user's Web browser may be configured manually or by a configuration script provided by a wallet server, for example. When only certain pages (e.g. a portion) of the Web site are enabled with heightened trust, any scripts included in references to other pages will either not be executed or will not be executed with heightened trust.

Guheen anticipates and discloses such a granular and comprehensive security system, wherein access and trust levels can be managed and implemented via various software and hardware modules as described in much detail in the summary of WAF capabilities beginning at column 273, line 15. In fact, Guheen acknowledges that various electronic commerce features involving financial institutions and data require a higher level of security while other data may require a different level of trust and access (see Guheen columns 275-278).

Applicant further contends that Guheen fails to teach a security feature of "scanning a portion of said network server for particular characters associated with a protocol (response p. 5)." In fact, Guheen teaches various forms of monitoring and scanning; including scanning for particular characters (i.e., viruses) to locate intruders and attacks or merely scanning provider websites for updates, patches, reduced price offerings etc. (see columns 57-62; figure 87 and associated text).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the user need not be authenticated to enable the security) are not recited in the rejected claim(s). Although the

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claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner notes that applicant argues that both independent claims 1 [sic] and 43 include an element of restricting access (response p.2). However, independent claim 5 merely provides restricting access and scanning a portion of a network server, while claim 43 fails to indicate restriction to the server in any of the elements as recited.

As claimed, Guheen clearly provides a myriad of hardware and WAF functionalities applicable to a network server for protecting access to any portion of a network server. The applicant is advised to review the claims as recited and review in depth the extensive granular access and security features provided in the cited reference.

Accordingly, **THIS ACTION IS MADE FINAL.**

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5-12 and 43-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Guheen et al. (hereinafter Guheen), US 6,473,794 B1.

As per the following claims, Guheen discloses:

Claims 5-12

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5. A method for protecting a network server from being used as the basis of an attack on a network client, the method comprising (column 43, lines 34-67; column 248, lines 38-45):

a. restricting access to said network server to a portion of said network server for at least a selected protocol (column 17, directory services; column 276, line 34-277, line 24); and

b. scanning said portion of said network server for particular characters, said particular characters being associated with said selected protocol (column 19, Product2 ISP Server Bundle).

6. The method of claim 5, further comprising removing said particular characters such that a security risk posed by said selected protocol is reduced (column 273, lines 35- 67; column 279, lines 42-63).

7. The method of claim 5, further comprising replacing said particular characters with benign characters such that a security risk posed by said selected protocol is reduced (column 272, line 30-column 259, line 30).

8. The method of claim 5, wherein said characters are hostile characters and wherein if a request contains any of said hostile characters, the request is rejected (column 273, lines 16-34; column 280, lines 19-39).

9. The method of claim 5, further comprising logging said particular characters to form a security log (column 266, lines 12-21, column 268, lines 20-36, column 286, lines 13-58).

10. The method of claim 9, further comprising reviewing said security log to determine whether said particular characters are hostile (column 43, line 34-column 44, line 8).

11. The method of claim 5, wherein said protection of the network server is accomplished during an electronic purchase transaction (column 251, lines 34-36).

12. The method of claim 11, wherein the electronic purchase transaction is conducted using a digital wallet (column 17, java wallet; column 261, lines 30-53).

Claims 43-50

43. A computer-implemented method for protecting a network server from being used as the basis of an attack on a network client, the method comprising:

a. receiving a request for a connection at said server from said network client (figure 87, 2613; receiving user indicia); and

b. scanning a portion of said network server for particular characters associated with a protocol (fig 87, 2615; monitoring the status of offerings utilizing the user indicia)

c. verifying that any response from said network server to said network client is void of said particular characters (fig 88, 2700; allowing browser-based authentication with user verification data) and

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d. providing said response from said network server to said network client (fig 88, 2702; granting access to at least one of application and system data based on the user verification data).

44. The method of claim 43 further comprising restricting access to said network server for said protocol to said portion of said network server (column 17, directory services; column 276, line 34-277, line 24).

45. The method of claim 43 further comprising replacing said particular characters with benign characters such that a security risk posed by said selected protocol is reduced (column 272, line 30-column 259, line 30).

46. The method of claim 43 wherein said protocol comprises JavaScript (column 34, lines 10-60).

47. The method of claim 43 further comprising logging said particular characters to form a security log (column 266, lines 12-21, column 268, lines 20-36, column 286, lines 13-58).

48. The method of claim 47 further comprising reviewing said security log to determine whether said particular characters are hostile (column 273, lines 16-34; column 280, lines 19-39).

49. The method of claim 47 wherein said protection of the network server is accomplished during an electronic purchase transaction (column 251, lines 34-36).

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50. The method of claim 49 wherein the electronic purchase transaction is conducted using a digital wallet (column 17, java wallet, column 261, lines 30-53).

Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday - Friday 8 a.m.-6:30 p.m. and by email: bradley.bayat@uspto.gov.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached regarding urgent matters at 571-272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

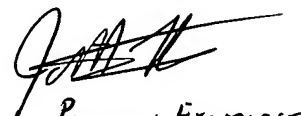
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(571) 273-8300 - Official communications; including After Final responses.

(571) 273-6704 - Informal/Draft communications to the examiner.

Bradley B. Bayat, Esq.
December 22, 2005


Primary Examiner
AU 3621